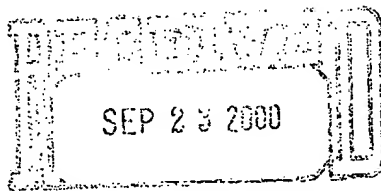




## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: W. SCOTT CARSON  
DORR, CARSON, SLOAN & BIRNEY, P.C.  
3010 E. 6TH AVENUE  
DENVER, COLORADO 80206

**PCT**

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing  
(day/month/year)

19 SEP 2000

Applicant's or agent's file reference

1482/198aFI

REPLY DUE

within TWO months  
from the above date of mailing

International application No.

PCT/US99/20603

International filing date (day/month/year)

08 SEPTEMBER 1999

Priority date (day/month/year)

11 SEPTEMBER 1998

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A63F 9/18, 13/00; G07F 17/34 and US Cl.: 273/143R, 138.1, 138.2; 463/9, 20

Applicant

MIKOHN GAMING CORPORATION

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11 JANUARY 2001

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

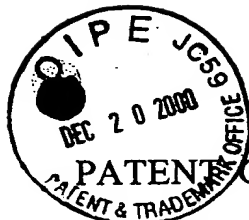
Facsimile No. (703) 305-3579

Authorized officer

BENJAMIN LAYNO

Telephone No. (703) 308-1815

*Sheila Veney*  
Paralegal Specialist  
Technology Center 3700



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Telephone No. (703) 308-1815

*Sheila Vener*  
Paralegal Specialist  
Technology Center 3700

WRITTEN OPINION



International application No.

PCT/US99/20603

**I. Basis of the opinion**

**1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed
- ☒ the description:
- pages 1-40, as originally filed
- pages NONE, filed with the demand
- pages NONE, filed with the letter of
- ☒ the claims:
- pages 41-54, as originally filed
- pages NONE, as amended (together with any statement) under Article 19
- pages NONE, filed with the demand
- pages NONE, filed with the letter of
- ☒ the drawings:
- pages 1-4, as originally filed
- pages NONE, filed with the demand
- pages NONE, filed with the letter of
- ☒ the sequence listing part of the description:
- pages NONE, as originally filed
- pages NONE, filed with the demand
- pages NONE, filed with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☒ The amendments have resulted in the cancellation of:**

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig. NONE

**5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION



International application No.

PCT/US99/20603

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. statement**

Novelty (N)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO
Inventive Step (IS)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO
Industrial Applicability (IA)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO

**2. citations and explanations**

Claims 1-5, 7, 8, 12, 14, 19, 21, 31-35, 37, 42-45, 47, 50, 52, 56-61, 80-87 lack novelty under PCT Article 33(2) as being anticipated by DiRe et al. The patent to DiRe disclose a method of playing a combined knowledge based bonus game with an underlying casino game, slot machine To play, a wager 6 is received to play the slot machine 4A-4E. After play of the underlying casino game of chance is stopped, play of the knowledge based bonus game is started by providing a query, column 8, lines 52-59. If the player answers correctly, the player is paid. The game may then be restarted. The game is played in casinos and therefore it inherently provides a house advantage within a predetermined range.

Claims 9-11, 25-27, 29, 30, 34, 48, 49 and 77 lack an inventive step under PCT Article 33(3) as being obvious over DiRe et al. Determining exactly how a player will respond to a query, guessing, always guessing, is a subjective which is always obvious in the art. Determining whether make all answers to all queries being always correct is simply a house business decision which is always obvious in the art. Determining exactly the range of the predetermined house advantage is a house business decision which is always obvious in the art.

Claims 13, 15-17, 20, 22, 23, 36, 38, 39, 40, 51, 53, 54, 64, 66-69, 79 lack an inventive step under PCT Article 33(3) as being obvious over DiRe in view of Slots of Trivia. The game Slots of Trivia discloses a method of playing a casino game comprising a slot machine game and a knowledge based bonus game with multiple choice questions. In view of such teaching, it would have been obvious to incorporate multiple choice question to DiRe in order for the players to percieve they have a better chance at winning. Determining exactly what type of question, true/false, puzzle, etc. is simply a design choice which is always obvious in the art.

(Continued on Supplemental Sheet.)

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 9 and 10 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the claims are indefinite for the following reason(s): The recitations "all answers" and "all queries" lack antecedent basis.

WRITTEN OPINION

International application No.

PCT/US99/20603

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**V. 1. REASONED STATEMENTS:**

The opinion as to Novelty was positive (YES) with respect to claims 6, 9-11, 13, 15-18, 20, 22-30, 36, 38-41, 46, 48, 49, 51, 53, 54, 55, 62-79.

The opinion as to Novelty was negative (NO) with respect to claims 1-5, 7, 8, 12, 14, 19, 21, 31-35, 37, 42-45, 47, 50, 52, 56-61, 80-87.

The opinion as to Inventive Step was positive (YES) with respect to claims 6, 18, , 24, 28, 41, 46, 55, 62, 63, 70-74, 76, 78.

The opinion as to Inventive Step was negative (NO) with respect to claims 1-5, 7-17, 19-23, 25-27, 29-40, 42-45, 47-54, 56-61, 64-69, 75, 77, 79-87.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-87 .

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE.

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Claims 6, 18, 28, 41, 46, 55, 62, 63, 70-74, 76 and 78 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest game of chance based upon a condition occurring unrelated to the play of the underlying game of chance, paying the player a first amount when the player correctly answers the at least one query, paying the player a second amount when the player incorrectly answers the at least one query, and generating a set of payouts declining in value for the multiple choice answers, each higher value payout corresponding to a multiple choice answer that is more correct response to the query.

----- NEW CITATIONS -----

NONE